

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3569 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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BALDEV SHIP BREAKERS

Versus

COMMISSIONER CUSTOMS & CENTRAL

Appearance:

MR MUKESH A PATEL for Petitioners

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 30/04/98

ORAL Judgment (Per Balakrishnan,J.)

1. Rule. Mr.Jayant N.Patel, 1d.Standing Counsel,
waives service thereof on behalf of the respondents.

2. The petitioner has filed an appeal before the 3rd respondent against the order passed by the 1st respondent. The petitioner has also moved an application for stay of the impugned order. The stay application is not finally disposed of. The petitioner contends that during the pendency of these proceedings, the authorities are taking coercive steps to realise the amount due.

3. We heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

4. A reference was made to the order passed by this Court in SCAs No.21/97 & 22/97 and also to a decision in DCW Ltd. vs. Commissioner (Appeals) & Ots. reported in 1997(2) GLR 913. In the above decision, this Court

directed the respondent authority to dispose of the stay application within a prescribed time.

5. Having regard to the facts and circumstances of the case, we direct respondent no.3 to consider the stay application and pass appropriate orders preferably within one month from the date of receipt of copy of this order. Till the stay application is finally disposed of, the authorities shall not take any further coercive step to realise the amount payable under the impugned order. The application is disposed of accordingly. Rule is discharged subject to above directions.

D.S. permitted.

(K.G.Balakrishnan,J.)

(J.M.Panchal,J.)